



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

AUG 12 2013

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article No.: 7012 1640 0001 7091 6500

Clint Fichter  
City Manager  
City of Avoca  
201 N. Elm St  
P.O. Box 246  
Avoca, Iowa 51521

Re: Avoca Iowa, Sampling Inspection, May 13-16, 2013  
Request for Information Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318

**Response Required Within 15 Days**

Dear Mr. Fichter:

This letter requests information regarding compliance of the City of Avoca with requirements of the City's National Pollutant Discharge Elimination System Permit No. IA0030708 for its wastewater treatment facility. A representative from the U.S. Environmental Protection Agency, Region 7, conducted an inspection of the Avoca Publicly Owned Treatment Works from May 13 - 16, 2013, under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the inspection report is included on a CD with this information request. The purpose of this request is to obtain additional information regarding potential violations identified by the EPA during the inspection.

This letter and the enclosures are a request for information and is issued pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. 1318(a). Section 308 authorizes, among other things, the EPA to require the City to furnish information necessary for the EPA to evaluate the City's compliance with the CWA and its NPDES permits. **Pursuant to Section 308, you must provide the information requested in the enclosed Information Request (Enclosure 1).** Please read the instructions in the enclosure carefully before preparing your response.

Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.



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If you have any questions or concerns regarding this matter, you may contact Robert Bryant at (913) 551-7354 or [bryant.robert@epa.gov](mailto:bryant.robert@epa.gov).

Sincerely,

A handwritten signature in black ink, reading "Karen A. Flourney". The signature is fluid and cursive, with the first name "Karen" being the most prominent.

Karen A. Flourney

Director

Water, Wetlands and Pesticides Division

Enclosures:

Encl 1: Information request

Encl 2: Inspection Report, Dated May 13, 2013

Encl 3: Sample Biosolids Report Form

cc: Josh Peterson, City of Avoca, Public Works Operator  
Dennis Ostwinkle, IDNR

## ENCLOSURE 1

### INFORMATION REQUEST

This information is requested pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

#### I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any answer or document cannot be provided in full, provide the answer or document(s) to the extent possible along with an explanation of why the question cannot be answered or document cannot be provided in its entirety. If your responses are qualified in any manner, please explain.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. Compliance with the provisions of this request for information is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and providing the requested information does not relieve you of any responsibility under the CWA for seeking, maintaining, or complying with an applicable NPDES permit.
6. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Robert Bryant  
Compliance Officer  
U.S. Environmental Protection Agency Region 7  
Water, Wetlands and Pesticides Division  
11201 Renner Boulevard  
Lenexa, Kansas 66219

## **II. Requested Information**

Please submit your response to the questions below **within fifteen (15) days of receipt of this Information Request**. Please clearly identify your responses with a numbering system corresponding to the items as listed below. (*See, Section I, Instructions.*) Should the City of Avoca not have the information requested, you must provide a response stating that the City has no such information, documentation, records, etc. This is required for each numbered or lettered item to which the City is unable to provide the requested information.

Note that except for a cover letter or memorandum, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.

### **A. Preliminary Information**

1. Identify the person to contact regarding your response, including title, address and phone number.
2. Your response to this Information Request is to be provided by a qualified professional. Provide the name and credentials of the person(s) providing information in response to this Information Request.

### **B. Information Regarding Biosolids Land Application in 2012.**

Verify and certify the amount of biosolids removed and land applied from the lagoon system and the rate in tons per acre on all land application sites. The amount of biosolids in question is from page 02305-5 of the submittal that you sent to the EPA inspector. You may use the attached form or provide your land application report in any other format.